

REMARKS/ARGUMENTS

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1, 3-11, and 13-17 are pending in this application.

Claims 11, 3-11, and 13-17 were rejected under 35 U.S.C. §102(e) as being anticipated by Ginter et al. (Published U.S. Application 2004/0133793).

The present claims recite "said inquiry information being used to indicate whether the digital data was encoded or recorded in a manner consistent with the digital signal processing apparatus." (Claims 1 and 11) As discussed in the specification, the inquiry information is used to determine whether the present system, or another related system, was used to encode or record the digital data on the recording medium. For example, a sample of the digital audio data from the recording medium may be compared to other data for recording by the apparatus to determine whether the compression, format, encoding, etc... matches. (Specification pp. 50-51) In other words, was the data recorded by the same apparatus or another legally recognized apparatus.

The Examiner contends Ginter's fingerprinting disclosure meets the present invention's inquiry information to determine whether the digital data was legally purchased. However, Ginter separately discusses fingerprinting and inquiry information. Ginter's fingerprinting is used to verify whether

data was legally purchased. Ginter's inquiry information is related to smart objects for intelligently searching for desired remote information. Since Ginter's inquiry information is different from the disclosed fingerprinting, the Examiner cannot assert that they are the same in meeting the present claim limitations. Moreover, Ginter's fingerprinting is added to the digital data. Whereas, the present invention's inquiry information is related to the recording characteristics of the data itself and not something that has been artificially added to mark the data. Accordingly, Ginter fails to meet the present invention's "inquiry information being used to indicate whether the digital data was encoded or recorded in a manner consistent with the digital signal processing apparatus" limitation and the rejected claims should now be allowed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

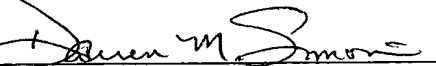
Application No.: 10/085,462

Docket No.: SONYJP 3.0-888

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095.

Dated: July 6, 2006

Respectfully submitted,

By 

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